

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Theirry Marnay

Confirmation No.: 3880

Application No.: 10/622535

Group Art Unit: 3733

Filing Date: July 21, 2003

Examiner: Philogene, Pedro

For: Instruments And Methods For Inserting an Intervertebral Implant

Filed Via EFS

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

☒ **IDS Filed Under 37 CFR 1.97(b)**

In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ **IDS filed Under 37 CFR 1.97(c)**

In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

- ☐ Certification in Accordance with § 1.97(e) is attached; or
- ☐ The fee of **\$180.00** as set forth in § 1.17(p) is attached.

☐ **IDS filed Under 37 CFR 1.97(d)**

In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of **\$180.00** as set forth in § 1.17(p).

CONTENT OF IDS PURSUANT TO 37 CFR 1.98

- ☒ Copies of reference numbers 206-266 listed on the attached Form PTO-1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(iii).
- ☒ Copies of reference numbers 267-287 listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of reference numbers _____ are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number _____, filed _____ for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

STATEMENT OF RELEVANCE OF NON-ENGLISH LANGUAGE REFERENCES

- ☐ The following documents are not in the English language. Accordingly, a concise explanation of the relevance of certain non-English documents is incorporated in the specification passages identified below or the document has been identified in the International Search Report issued in the parent application.

Foreign Language Document	Reference No.	Pages of Reference in Specification or Relevance of Document

REFERENCES IN A LANGUAGE OTHER THAN ENGLISH

- ☒ The following references are not in the English language. Accordingly, English language counterpart applications or abstract have been provided as indicated below:

Foreign Language Document	Reference No.	English Language Counterpart	Reference No.
CH 624 573	267	DE 2804936 English Abstract	271
DE 3023353	268	English Abstract	272
FR 2724108 A1	269	English Abstract	273
FR 2742653A1	270	English Abstract	274

☐ **CERTIFICATION IN ACCORDANCE WITH § 1.97(e)**

I hereby certify that:

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this information disclosure statement.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Date: 04-14-10

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